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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,958	03/30/2004	Dale Black	18360/256731	8298
826 7590 11/05/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 11/05/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/814,958

**Applicant(s)**

BLACK ET AL.

**Examiner**

FADEY S. JABR

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 3/7/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

Claims **1** and **6** have been amended. Claims **1-10** remain pending and are again presented for examination.

### *Election/Restrictions*

1. Claims **11-76** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 February 2009.
2. This application contains claims **11-76** drawn to an invention nonelected without traverse in the reply filed on 27 February 2009. A complete reply to the final rejection must include **cancellation of nonelected claims** or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Response to Arguments***

4. Applicant's arguments filed 29 July 2009 with respect to the Rule 1.105 have been fully considered and are therefore withdrawn.
5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamman International Publication No. WO 01/24096 in view of Sundel, Pub. No. US2002/0116273 A1 and Camarillo, Pub. No. US2003/0041068, hereinafter referred to as Kamman, Sundel and Camarillo, respectively.

As per Claim 1, Kamman discloses a system comprising:

- the database storing a plurality of rating profiles, each rating profile including at least a first descriptor of an item and a tariff code associated with the item  
(see pages 12-15); and
- a processor configured to:
  - access the database (see pages, 12-15);

- select a first rating profile from the plurality of rating profiles based at least in part on a comparison between the first identifier and the plurality of rating profiles (see pages 12-15);
- calculate a tariff amount associated with the first identifier based in part on the tariff code associated with the first rating profile (see pages 16-19); and
- update the shipment data in the database to include the tariff amount (see pages 16-19).

Kamman fails to disclose a database for storing *shipment* data comprising a first identifier associated with one good in the *shipment*. Kamman does disclose the software of the tariff/VAT server learns from each proposed purchase transaction by 10 storing information concerning any selection of harmonized tariff codes and determinations as to minimum applicable tariff rates to assist future analyses, evaluations, and tariff/VAT determinations (see page 16). Further, Sundel teaches the database 140 contains information regarding applicability of each area's taxes to that item. Additionally, the database can be configured to maintain a record for each item, such as a SKU, that a client ships (0037). Thus, Kamman discloses storing purchase transactions data while Sundel teaches a database storing a record of each item that is shipped. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Kamman and include storing a record of shipped items in a database as taught by Kamman, because it allows the system to keep track of items purchased by clients for inventory purposes.

Kamman fails to disclose determine a confidence level associated with the first rating profile based on a comparison between the first identifier and the first rating profile. However,

Camarillo teaches Confidence level values are assigned to the potentially equivalent normalized data records to determine whether the normalized data records are equivalent. For example, the higher the confidence level the more likely the normalized data records are equivalent and the more likely the fields will be shared to construct a record. Processor 122 compares each normalized data record within a set to the other normalized data records in the set, on a field-by-field basis, and determines whether the normalized data records are equivalent, based upon their confidence level values. Every time data within two similar fields are found to be identical, the confidence level increases. The greater count of identical fields, the higher the confidence level value. For example if four out of five fields are identical, then the confidence level value is four, which is considered high and, thus it is concluded that equivalent normalized data records exist (0051). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Kamman and include a field-by-field comparison of data to determine a confidence level as taught by Camarillo, because it provides better accuracy matching when matching the product being purchased and the tariff code.

As per Claim 2, Kamman discloses wherein the first identifier comprises at least one selected from the group of a description of the good, a shipper of the good and an importer of the good (see pages 12-15).

As per Claim 3, Kamman discloses wherein the first descriptor comprises one from the group of a description of the item, a shipper of the item and an importer of the item (see pages 12-15).

As per **Claim 4**, Kamman discloses wherein the rating profiles comprise catalog rating profiles and historical rating profiles [storing information concerning any selection of harmonized tariff codes ...to assist future analyses] (see pages 12-16).

As per **Claim 5**, Kamman discloses wherein the first rating profile is selected based in part on the first descriptor (see pages 12-15).

As per **Claim 6**, Kamman fails to disclose wherein each of the plurality of fields, and the confidence level is determined based at least in part on which of the plurality of fields is compared with the first identifier to identify the first rating profile. However, Camarillo teaches Confidence level values are assigned to the potentially equivalent normalized data records to determine whether the normalized data records are equivalent. For example, the higher the confidence level the more likely the normalized data records are equivalent and the more likely the fields will be shared to construct a record. Processor 122 compares each normalized data record within a set to the other normalized data records in the set, on a field-by-field basis, and determines whether the normalized data records are equivalent, based upon their confidence level values. Every time data within two similar fields are found to be identical, the confidence level increases. The greater count of identical fields, the higher the confidence level value. For example if four out of five fields are identical, then the confidence level value is four, which is considered high and, thus it is concluded that equivalent normalized data records exist (0051). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Kamman and include a field-by-field comparison of data to

determine a confidence level as taught by Camarillo, because it provides better accuracy matching when matching the product being purchased and the tariff code.

As per **Claim 7**, Kamman fails to disclose wherein the processor is further configured to compare the confidence level with a predetermined threshold value. However, Camarillo teaches Data masher routine 112-1 utilizes a threshold level value for determining whether the confidence levels have reached a minimum level of acceptance. The threshold level value is a predetermined value that the confidence level values must equal or exceed for processor 122 to consider normalized data records equivalent (0054). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Kamman and include a predetermined threshold value as taught by Camarillo, because it provides the system with a specific level of acceptance that the match has to reach before being accepted thus providing better accuracy matching.

As per **Claim 9**, Kamman discloses wherein the processor is further configured to record in the shipment data the tariff code associated with the selected first rating profile (see pages 15-16).

As per **Claim 10**, Kamman discloses wherein the tariff amount is calculated using a tariff rate associated with the tariff code (see pages 12-15).



8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamman in view of Sundel and Camarillo as applied to claim 1 above, and further in view of Henty, U.S. Patent No. 7,319,990 B1, hereinafter referred to as Henty.

As per **Claim 8**, Kamman fails to disclose wherein the processor is further configured to receive user input to select the first rating profile if the confidence level is less than the predetermined threshold value. However, Henty teaches if the determination is that the confidence value of the match is not adequate then the process branches to step 132 where the CPU 24 displays the selected number of potential matches on the display 28 (shown in FIG. 1). At the same time, preferably an audible indication is given that a definite match has not been made and operator input is needed. For example, a double beep may be sounded to call the attention of the checkout operator or customer to the displayed possible matches. If the display 28 is a touch screen display, then the operator need simply touch the appropriate portion of the screen to select the correct match from the plural matches displayed. On the other hand, if a touch screen display is not employed each potential match will preferably be displayed along with a number and the operator need simply select the appropriate number using input 26 shown in FIG. 1. In the event that none of the displayed matches are correct the operator may then input the name or code for the correct match using input 26. If input 26 is a voice input then merely speaking the name of the correct produce will allow voice recognition software running in CPU 24 to identify and output the correct produce type as the selected match. In either case, the process flow proceeds from step 132 with the selected match as indicated to step 122 as in the previous discussion. Thus, Henty teaches the use of a confidence level and when the level is not adequate, user action

is taken. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Kamman and include allowing a user operator to correct an error in the matching as taught by Henty, because it provides better accuracy in the system when a matching determination cannot be made correctly.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3628

FSJ

Art Unit: 3628

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Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401  
Dulany Street, Alexandria, VA 22314

/F. S. J./

Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628